

U.S. Department of Justice

United States Attorney
Southern District of New York

OCT 22 2007

86 Chambers Street
New York, New York 10007

FILED

October 22, 2007

*Lo entered
10.24.07
C. K. [Signature]*VIA FACSIMILE

Hon. Alvin K. Hellerstein
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1050
New York, NY 10007

Re: Kotak v. U.S. CIS, et al.
07 Civ. 7376 (AKH)

Dear Judge Hellerstein:

I write respectfully to request a thirty-day extension of time, from October 22 to November 21, to answer the complaint in the above-referenced civil action. This is the Government's first request for an extension.

This is a mandamus action in which the plaintiff seeks an order compelling Citizenship and Immigration Services ("CIS") to adjudicate his application for adjustment of status. After the complaint was filed, this Office was informed by CIS that plaintiff's application was adjudicated and, in fact, granted. CIS has informed the plaintiff that it will stamp his passport, as evidence of his lawful permanent resident status, on November 14, 2007. Copies of the letter from the director of CIS to Mr. Kotak informing him that his application was approved, along with the approval notices, are attached.

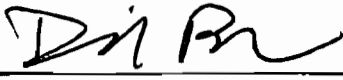
As this action by CIS is the precise relief that the complaint seeks, this action arguably already is moot, and certainly will be moot once plaintiff's passport is stamped. I have spoken with plaintiff's lawyers, who have indicated to me that they are willing to sign a stipulation and proposed order dismissing this case as moot once plaintiff's passport has been stamped. Accordingly, a thirty-day extension will give CIS time to issue to the plaintiff proof of his lawful permanent resident status, after which time the parties will execute a stipulation dismissing this action as moot. Plaintiff's counsel consents to the proposed extension.

I thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York

By:



DAVID BOBER
Assistant United States Attorney
(212) 637-2718

cc: Rakhel Speyer Milstein, Esq. (via facsimile)

Enclosures